

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CRIMINAL CASE NO. 2:13-cr-00017-MR-1**

UNITED STATES OF AMERICA,

Appellee,

vs.

JESSIE C. JENKINS,

Appellant.

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ORDER

THIS MATTER is before the Court on the Appellant's "Motion to Dismiss: Subject Matter Jurisdiction" [Doc. 11].

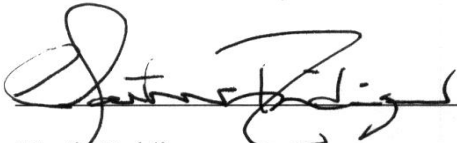
Upon review of the Appellant's Motion and the Government's Response thereto [Doc. 12], the Court concludes that this matter should be remanded to the Magistrate Judge for the purposes of conducting a hearing and making findings as to subject matter jurisdiction. Upon request of the Government, the Court shall also vacate the Appellant's sentence and remand this case for the purpose of the Magistrate Judge conducting a new sentencing hearing as well.

IT IS, THEREFORE, ORDERED that the Appellant's Motion to Dismiss [Doc. 11] is **GRANTED IN PART** to the extent that the Appellant's

sentence is **VACATED** and this matter is hereby **REMANDED** for further proceedings consistent with this Order.

IT IS SO ORDERED.

Signed: October 29, 2013


Martin Reidinger
United States District Judge

